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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 1964
)	
Tomohiro MIZUNO, et al.)	Group Art Unit: 2652
)	
Application No.: 09/656,953)	Examiner: Tianjie Chen
)	
Filed: September 7, 2000)	
)	
For: DISK PLAYER)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION

In response to the Office Action dated July 26, 2004, the period for response to which extends through October 26, 2004, reconsideration and withdrawal of the rejections set forth in the pending Office Action are respectfully requested.

Summary of the Office Action

In the Office Action, the Examiner has applied a new grounds of rejection against claim 1 under 35 U.S.C. § 102(b) as being anticipated by Kase et al. (U.S. Patent No. 4,949,328) (hereinafter "Kase").

Claims 2-4 have been indicated as including allowable subject matter, if rewritten to include all of the limitations of the base claim and any intervening claims.

Examiner Interview on October 6, 2004

The Examiner is thanked for the courtesies extended to the undersigned and to Mr. Kazumasa Nakamura of Pioneer Corporation during the in-person interview at the United States Patent and Trademark Office on October 6, 2004.

As indicated on the Interview Summary Form (PTOL-413) summarizing this interview, the Examiner informed Applicants' undersigned representative that this case has recently been transferred to him from previous Examiner Nguyen, who issued the latest Office Action dated July 26, 2004. Accordingly, Applicants' undersigned representative took this opportunity to explain the distinctions between claim 1 of this application and the applied Kase reference to Examiner Chen. These distinctions were presented during the interview as set forth below in this paper. As indicated on the Interview Summary Form (PTOL-413), the Examiner indicated that he "understands Representative's point," but that since this case has recently been transferred to him, the Examiner will need to review the "prior art to determine the patentability."

Accordingly, as per the Examiner's request, Applicants submit the following arguments in writing as presented orally during the October 6, 2004 Examiner interview.

Rejection under 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Kase. As explained during the above-discussed Examiner Interview on October 6, 2004, Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action alleges that the newly-applied Kase reference anticipates claim 1 under 35 U.S.C. § 102(b) by teaching all of its limitations. Applicants respectfully traverse this rejection because Kase does not teach, or even suggest, that a disk tray comes into engagement with a supporting mechanism for supporting a disk playing assembly in the manner recited in independent claim 1. In particular, Kase has no specific discussion about the movement of individual disk tray(s). Accordingly, Kase does not teach or suggest, to any extent, that an individual disk tray engages with a supporting mechanism, on which a disk playing assembly is supported, so that the disk playing assembly is caused to move in the same direction in which the disk trays are stacked (i.e., the particular “predetermined direction” recited in claim 1).

It is clear from Figs. 17-19 of the instant application, for example, that when one of the disk trays 55a-55c moves towards the disk playing assembly, it engages with the supporting mechanism (including swing base 100) so that the disk playing assembly (including components 120, 130, 121a, and 121b) is caused to move in the direction in which the disk trays are stacked, which is the “predetermined direction” recited in claim 1. In particular, Applicants respectfully submit that the positioning of the playing mechanism at the disk playing position and the clamping of the disk are achieved as a result of this disk tray movement without requiring motors for the moving mechanism. As a result, the number of parts making up the disk player can be reduced to allow for an overall disk player having a small size. See, for example, the paragraph spanning pages 32-33 of the instant application’s specification.

Kase differs from such an arrangement because it does not specifically discuss details about the movement of individual disk tray(s) and the results of disk tray movement with regard to other components of the disk player. Accordingly, Kase does not teach or suggest to any extent that an individual disk tray engages with a supporting mechanism, on which a disk playing assembly is supported, so that the disk playing assembly is caused to move in the same direction in which the disk trays are stacked (i.e., the particular “predetermined direction” recited in claim 1). Instead, Applicants respectfully submit that in Kase, the positioning of the playing mechanism at the disk playing position and the clamping of the disk are performed with motors and an associated moving mechanism. During the Examiner interview, col. 10, lines 38-39 and col. 11, lines 26-27 of Kase were reviewed and discussed in this regard. See also Fig. 15 of Kase.

Moreover, Applicants traverse the Office Action’s interpretation, as set forth at page 2, section 4, that the “predetermined direction” recited in claim 1 is the “y-direction” disclosed in Kase. As explained above, the “predetermined direction” recited in claim 1 is the direction in which the disk sub-trays are stacked, which is the “z-direction” in Kase, not the “y-direction.” Accordingly, it appears that the Office Action is asserting at the top portion of page 3 that the disk playing assembly in Kase is moving in the y-direction of Kase. Nevertheless, Applicants respectfully submit that Kase does not teach or suggest that the movement of a disk tray can cause the disk playing assembly to move in the direction in which the disk trays are stacked by engagement of a disk tray with a supporting mechanism on which the disk playing assembly is supported, as recited in claim 1. As explained during the interview with the Examiner on October 6, 2004, it is because of this interconnection and resultant co-operation of disk player components in the instant application’s embodiment recited in claim 1 that separate motors are

not required to result in such movement. On the other hand, the arrangements disclosed in Kase clearly require such driving motors, as discussed above.

Applicants respectfully submit that Kase does not teach, or even suggest, that a disk tray causes the disk playing assembly to move, as also recited in independent claim 1. The Office Action alleges that Kase discloses that “during a movement in which one of disk trays [13] is being moved from said disk standby area [bottom position, fig 6] to said disk playing position [top position at 37, fig 6], said one of disk trays [13] comes into engagement with said disk supporting mechanism [4a] so that said disk playing assembly [37 and 43] is caused to move in said predetermined direction thereto (see figs 17-19), and clamp and play said one of plurality of disks [22] (see figs 6-7 and 17-19).”

However, Applicants respectfully traverse the Office Action’s interpretations of Kase in these regards at least because reference number 13 in Kase does not refer to an individual disk tray, instead, it represents a movable chassis on which two sheets or trays 23, 24 are provided for holding disks. Moreover, reference numeral 4a in Kase does not refer to a disk supporting mechanism in the manner recited in claim 1. Instead, reference numeral 4a refers to “longitudinal projected portions” on the right and left sides of a carrier 4 which contains the movable chassis 13. See, for example, Fig. 4 of Kase. There is no disclosure of a disk tray coming into engagement with the longitudinal projected portion 4a of Kase in order to cause the disk playing assembly to move in the disk tray stacking (“predetermined”) direction, in the manner recited in claim 1.

Accordingly, for at least the foregoing reasons, Kase does not teach, or even suggest, a disk player combination as recited in independent claim 1 including at least “a supporting mechanism for supporting said disk playing assembly thereon.” Moreover, claim 1 goes on to

recite that “during a movement in which one of disk trays is being moved from said disk standby area to said disk playing area said one of disk trays comes into engagement with said supporting mechanism so that said disk playing assembly is caused to move in said predetermined direction thereto, and clamp and play said one of plurality of disks.” Such an arrangement is neither shown, nor even suggested by the disclosure of Kase.

Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because Kase does not teach or suggest each feature of independent claim 1. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).”

Furthermore, Applicants respectfully assert that dependent claims 2-4 are allowable at least because of the dependence from independent claim 1, as amended, and the reasons set forth above. Moreover, the Examiner is thanked for the indication that claims 2-4, while objected to as being dependent on a rejected base claim, would be allowable if rewritten in independent form. However, withdrawal of the outstanding objections to these claims is respectfully requested because of their dependence on independent claim 1, and the reasons set forth above. Finally, it appears that this portion of the Office Action appears to be partly mistaken in its additional indication that claims 2-4 would be allowable “if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.” In particular, it appears that the previous rejection of claims 2-4 under 35 U.S.C. § 112, second paragraph has been withdrawn because there is no such rejection applied in the latest Office Action. Applicants

respectfully request clarification on this point in the next response in the event that their understanding is incorrect.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims 1-4.


Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: October 15, 2004

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